IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1111 of 2007

BHAGWANA RAM
V/S
STATE & ORS.

Mr. SD VYAS, for the appellant / petitioner

Date of Order : 18.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The relief claim by the petitioner is that the khatedari land of the petitioner purchased vide Ex.1 be declared to have been converted into Abadi, and the UIT Bikaner be directed to treat it as duly converted into Abadi. The other prayer made is for declaration that this land was never acquired under any provisions of law, and petitioner is in the possession of the land as described in Ex.1 and Ex.7. The further relief prayed is that the UIT be directed not to interfere in possession of the petitioner.

So far as second relief is concerned, the petitioner has only produced Annex.7. However, this land is not included therein, but then merely on that basis, any declaration cannot be given in favour of the petitioner in absence of any complete material, or inquiry, which is not

warranted under Article 226 jurisdiction.

Regarding the first relief, to the effect, that it be declared that the land stands converted into Abadi, in my view, there is no legal basis for the proposition, or the relief claimed. Vide Annex.7, the lands have been acquired as agricultural land for the purpose of development of Abadi, and thereafter UIT converted that land into Abadi, but on that count the land of the petitioner cannot be, ipso facto treated to have been converted into Abadi.

Reliance was placed on the judgment of this Court in Smt.Kaushalya Devi Vs. State of Rajasthan, reported in 1989 RLW 380, but then suffice it to say, that the facts in that case were different, inasmuch as, the controversy in that case was on the facts that the petitioner was in possession of plot situated between Krishi Upaj Mandi and Food Corporation of India godown near Lalgarh Railway Station. This area was Kachchi Basti known as Indira Nagar Kachchi Basti, and was part of revenue village Beechwali. It was found that State Government by exercising powers under Section 3 of the Rajasthan Urban Improvement Trust Act had placed that land at the disposal of UIT, obviously therefore, the stand of the Urban Improvement Trust about land being revenue land belonging to Revenue Department was not accepted. This controversy arose because the petitioner

therein applied for regularisation, which was granted according to the petitioner, but Tehsildar effected demolition and dispossession, which was sought to be supported by UIT by contending the land to be revenue land, and it was held that since the land has been placed at the disposal of UIT, it was found to be not revenue land. In the present case, it is not shown on the side of the petitioner that the land of the petitioner covered by Annex.1 has ever been placed at the disposal of the Urban Improvement Trust.

That apart, in my view, it would be it would be preposterous a proposition to accept that wherever any village, town or city with all its boundaries be declared as urban area, all private lands of agricultural nature, lying within those boundaries, would automatically get converted into Abadi. Such a preposterous proposition cannot be accepted, in absence of any authority of law, and none has been shown by learned counsel.

So far as the third prayer is concerned, there is nothing to show that the petitioner's possession is under any threat, therefore, that relief also need not detain me.

The writ petition thus, has no force, and is dismissed summarily.

(N P GUPTA),J.